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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,256	11/03/2003	Drew Gant	60,210-190	3673

27305 7590 11/16/2006

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EXAMINER

YABUT, DIANE D

ART UNIT PAPER NUMBER

3734

DATE MAILED: 11/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/700,256	GANT, DREW	
	Examiner	Art Unit	
	Diane Yabut	3734	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 28 and 29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 28 and 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 17 October 2006 has been entered.

Claim Objections

2. Claims 28 and 29 are objected to because of the following informalities: On line 11 of Claim 28 it reads "moveably" and should be changed to --movably--. On line 16 of Claim 28 it reads "at leas engaging" and should rather read --at least one engaging--. On line 1 of Claim 29 it reads "The surgical saw blade coupler of Claim 1" and should rather read --The surgical saw blade coupler of Claim 28--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 28 is rejected under 35 U.S.C. 102(b) as being anticipated by **Trott** (U.S. Patent No. **5,729,904**).

Claim 28: Trott discloses a housing **12** having a body and a head **28** that extends forward from said body, said head having a face and a through bore, a driver **29** having a driven portion **20** disposed in said housing and configured to be attached to a drive unit and a drive portion disposed over said face of said head, said drive portion having a through opening aligned with said through bore, and at least one engaging member **32**, a pin **40** that extends through said bore and said through opening, said pin having a head portion disposed over said drive portion and said pin having an opening (next to element **44**) aligned over and positioned to receive at least one engaging member, said pin being movably mounted to said housing so as to be able to move longitudinally in said through bore and said through opening, a cap **43** mounted to said pin so as to be spaced above said head portion of said pin so as to define a blade slot between said head portion and said cap, and a biasing member **26** acting between said head of said housing and said pin for urging said head portion of said pin and said cap towards said at least one engaging member (Figures 1 and 6, col. 5, lines 1-63)

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Trott** (U.S. Patent No. **5,729,904**) in view of **Evans** (U.S. Patent No. **5,263,972**).

Claim 29: Trott discloses the claimed device, including said cap having a bottom face directed towards said pin (see Figure 1), except for at least one bore that opens inwardly from said bottom face, said at least one bore being aligned with said at least one engaging member and said opening in said pin and dimensioned to receive said at least one engaging member, and said driver, said pin and said cap are collectively dimensioned so that when said biasing member urges said head portion of said pin and said cap towards said at least one engaging member, said at least one engaging member extends through said opening and said blade slot into said bore defined in said cap.

Evans teaches a surgical handpiece chuck and blade with at least one bore **74** that opens inwardly from said bottom face of a cap **50**, said at least one bore being aligned with said at least one engaging member and said opening in said pin and dimensioned to receive said at least one engaging member, and said driver, said pin and said cap are collectively dimensioned so that when said biasing member urges said head portion of said pin and said cap towards said at least one engaging member, said at least one engaging member extends through said opening and said blade slot into said bore defined in said cap (Figure 6). It would have been obvious to one of ordinary skill in the art at the time of invention to provide a bore that opens inwardly from a

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bottom face of a cap, as taught by Evans, to Trott since it was known in the art that chucks often top projecting elements and spindles or rotating rods and pins in order to better engage the blade member and maintain a secure connecting mechanism.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diane Yabut whose telephone number is (571) 272-6831. The examiner can normally be reached on M-F: 9AM-4PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Hayes can be reached on (571) 272-4959. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DY



MICHAEL J. HAYES
SUPERVISORY PATENT EXAMINER